

App. F. IX-4

Previous References

Later References

✓
1923. 24
103

File No. 73-23

Serial Nos. 17

General and Revenue Secretariat.

Serial Nos.

Part B for October 26.

SUBJECT

Resolution No. XLVI of the Local
Self Govt Conference of 1923

27
23/10/23

GENERAL AND REVENUE SECRETARIAT.

()

NOTES.

File No.

FILE HEADING.

Resolution No. XLVI of the Local Self-Government Conference of 1923.

From

No.	Dated		Received
Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

That the question of the establishment of Village Panchayets and Municipalities in Inam Villages and Jahgirs be referred to the committee proposed to be appointed in connection with the establishment of Panchayets.

NOTES AND ORDERS.

The Government were not in favour of appointing a committee for dealing with the establishment of Village Panchayets and so the Government themselves have to consider the resolution of the Local Self-Government Conference and lay down the policy to be pursued in the matter.

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Flag V

3. The Government Advocate was also consulted and his ^X opinion was as noted below:-

"I am of opinion that the Government have the power of declaring any Inam Village of the required number of population etc. a Union under the Local Boards Regulation. But a difficulty arises when the vested right of the Inamdar to the mohatarfa tax on shops and houses occupied by - non-agriculturists in the village comes into conflict with the power of the Union to levy taxes on such buildings. The difficulty may be avoided by getting the Inamdar to consent to give up this right of his to the Union or by exempting such buildings from the control of the Union in respect of levying taxes."

4. The Government after a careful consideration of the case directed the formation of Union Panchayets only in Inam Villages, ^{the} ~~an~~ Inamdars of - which consented to such a course or were not entitled to the enjoyment of mohatarfa. While the Regulation was amended in 1918 a provision was, however, inserted in section 48 of the revised Regulation of 1918 to the effect that the rights, if any, of the holder of an Inam Village to the enjoyment of mohatarfa or any other item of revenue, shall not be affected by the constitution of a Village Panchayet in such village

5. The rights of Inamdars and ~~Jahgirdars~~ to undisturbed enjoyment of their revenues being fully protected in so far as the constitution of village

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Panchayets is concerned, and the policy of Government being to constitute Village Panchayets for all villages in the State, Inam villages cannot be left out of the Panchayet scheme and the main points for consideration in this connection are (1) how to constitute Village Panchayets in Inam villages without affecting the rights of the Inamdar to the enjoyment of mohatarfa and other items of revenue and (2) from what source compensation has to be given to the Inamdars for loss of revenue resulting from constitution of Village Panchayets in their villages. The taxes imposable under Local Boards and Village Panchayets Regulation in the case of a Panchayet are intended to enable the Panchayet to carry out the purposes of the Regulation and payment of compensation to the Inamdar for his loss on this account cannot be a legitimate charge on the funds of Village Panchayets. As the right to enjoy mohatarfa and other revenue as conceded in favour of Inamdar by Government, the Government itself has to compensate the Inamdars for the loss of revenue resulting from the constitution of a Panchayet in his village. ^{if such compensation has to be legally paid} The prestige of an ordinary Inamdar is not in any way lowered by the constitution of Village Panchayet in his village. As any land that may be required by the Panchayet either for village extension or for ^{any} other purpose could ~~not~~ be acquired under Land Acquisition Regulation and reservation of any lands or wells for drinking water purposes could be made after payment of

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suitable compensation no conflict of interest between the Panchayets and the Inamdars is likely to arise and even if it did, the interests of Village Panchayets ^{could} ~~can~~ be guarded by putting the law into effect.

II. Introduction of Village Panchayets in the Jahgirs.

6. With regard to the constitution of Village Panchayets in Jahgirs it may be noted that they cannot work satisfactorily in the absence of a supervising Government agency. Moreover, they should not be identical with what will be introduced in Government and ordinary villages. The Jahgirdars may not care to invest the Panchayets with powers in the matter of control of ^{not} it may be expedient to invest the Panchayets with Civil and Criminal powers. To safeguard the interests of villages in Jahgirs in respect of sanitation and ^{introduction} ~~inauguration~~ of measures with epidemics, sufficient provision exists in the Village Sanitation and the Epidemic Diseases Act and the rules framed thereunder. In order to see whether there is any scope for the introduction of Village Panchayets in the Jahgirs the objections of the Jahgirdars in regard to their introduction may be called for. *There are only two states and it would not be in keeping with the existing state of affairs.*

III. Constitution of Municipalities in ordinary Inam villages.

7. When minor municipalities under executive Government were formed in Tirthahalli,

be constituted Panchayets.

G. R. S. III-2,

General and Revenue
Secretariat.

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land Sringeri where a portion of Inam villages ~~are~~
or ^a whole Inam villages ~~were~~ ^{was} comprised within the
limits of the municipality a portion of the income
from house and other taxes was being made over to
the temples or mutts to whom such Inam lands had
been ~~skkakat~~ alienated and the remaining income
alone utilised for municipal purposes. On the -
constitution of regular municipalities under the
Municipal Regulation in Tirthahalli and Sravanabela-
gola, the entire income from all sources has ~~come~~,
I believe, accrued to the Municipal Councils as no
portion of it could be legitimately applied for
payment of any compensation for loss of revenue to
the Inamdars concerned. in the absence of a provi-
sion to that effect in the Regulation itself. In
the case of Sravanabelagola, protests against the
formation of a regular municipality from the Jain
population and associations were received long after
the constitution of the Council and it was finally
decided in G.O. No. L. 534-M1.70-21-252 dated 19th
July 1923. that there was nothing in the terms of
the grant of the inam that is inconsistent with the
inherent right of Government to constitute the -
locality into a municipality under the Municipal
Regulation.

8. There is no provision in the Municipal Regula-
tion as in section 48 of the Local Boards Regulation,
to the effect that the rights, if any, of the Inamdars
to the enjoyment of mohatarfa and other items of
revenue shall not be affected by the constitution of

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the municipality. In connection with the drafting of a bill further to amend the Municipal Regulation it was proposed to insert a provision in the Regulation similar to that in section 48 of the Local Board and Village Panchayets Regulation, but the amendment was not approved by the Select Committee of the Legislative Council.

Municipalities

IV. Constitution of ~~Mutts~~ in Jahgirs.

proposed to be founded

9. Applying the principles ~~formed~~ in the case of ordinary Inam villages to Jahgirs it must be conceded that ~~that~~ ^{the} citizens of Jahgirs are equally citizens of the State and that Government would be quite justified in giving facilities to them in the matter of Local Self-Government. The point has been thoroughly gone into on pages 28 to 39 of the notes in Municipal file 219 of 1916 placed below in connection with the constitution of a regular municipality in Sringeri and Government have arrived at the conclusion that they may constitute ~~Jahgirs~~ any area in Jahgirs into municipalities under the -- Municipal Regulation. Though this ~~conversion~~ ^{conclusion is} is theoretically sound yet from a practical view it would be inexpedient for Government to establish Municipal Councils in Jahgirs without the consent of the Jahgirdars. The questions to be considered in this case are two namely, (1) how to maintain the prestige of the Jahgirdars when the interests of the Municipal Councils clash with those of the Jahgirdars and (2) from what source the Jahgirdars

Flag N^m

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are to be compensated for their loss of revenue. As already noted above in the case of ordinary Inam villages the Government will have to pay compensation to the Jahgirdars and the local bodies to be established should not be burdened with this obligation. In order to maintain the prestige of the Jahgirdars, it is necessary that the constitution of Municipal Councils in the Jahgirs should be made with their consent and that the attitude of the Municipal Council ^{should be} ~~is~~ not one of opposition to the interests of the Jahgirdar. In the matter of taxation of buildings belonging to the Jahgirdars and of the acquisition of properties of the Jahgirdars for public purposes the sentiments ^{and objections} of the Jahgirdars ~~of the~~ will have to be respected as far as possible. Again, the Municipal Council is sure to require frequent grants-in-aid for effecting necessary improvements and it would be impossible for Government to adequately meet with the demands of the Municipal Council in Jahgirs. The affairs of Municipal Councils in Jahgirs cannot be satisfactorily conducted without the good will of the Jahgirdars whose relationship to the Municipal Councils should be such that they may be induced to make necessary assignment of lands free of charge or make frequent grants-in-aid whenever their finances require such grants. In fact, the relationship - between the Jahgirdar and the Municipal Councils should be, as far as possible, what it is in the case of ordinary Municipal Councils and the Govern-

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Without securing this standard of relationship and without real co-operation on the part of the Jahgirdar, the success of Municipal Administration in Jahgirs cannot be assured and the experiment in the absence of the necessary conditions for success as detailed above is bound to result in failure.

10. In these circumstances, I am of opinion that as the question is ^{not only} ~~not~~ very delicate but also beset with complications, the application of all the general principles of the Municipal Regulation to Jahgirs would not be expedient. At present, Sringeri is a non-regulation municipality and no municipality has been formed in Yelandur. It seems to me that the question of constitution of a - Municipal Council In Yelandur may lie over till there is a call from the inhabitants of Jahgir.

7-1-21
11. With regard to the Sringeri Municipality, on pages 25 and 26 of Ml. File 219-16/ Mr. G. Srinivas Iyer has noted that a special regulation for Sringeri municipality is out of question and that the issue of an order in the name of His Highness, in order to define the scope and functions of the Municipal Council and provide for penalties, will be beset with difficulties. Mr. Srinivass Iyer suggests that a minor municipality may be constituted for Sringeri and provision may be made in the rules for exemption of Jahgirdars' property from taxation and ~~provision~~ for meeting from Municipal Funds the Jahgirdars' claims, if any, for income heretofore

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enjoyed by him. On grounds of expediency, if not on sentimental grounds, it would be right to require the Deputy Commissioner not to exercise the control over such municipalities under section 173 to 175 of the Municipal Regulation and a slight amendment of section 180 A for this purpose has been already accepted by the Legislative Council. The sections to be made applicable to Sringeri Municipal Council and the rules to be framed may be decided after consulting the Sringeri Jahgirdar.

M. S. Srinivasan
Spl. Secy

1069/12

(1st member)

The Special Secy will submit this file in person.

14/9

Discussed the file in person with the member and was instructed to resubmit the file for further consideration. It is accordingly resubmitted.

M. S. Srinivasan
31/11/24

(1st member)

3550
31/11/24

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This is a difficult question and has been
discussed several times, but no satis-
factory solution has been found. The only
solution attempted is the one contained in
section 45 of the B.V.P. Regulation whereby
all the items of revenue including the Moh-
lana's to which the Government is entitled
are taken from the village fund and
the Panchayat - but what remains of the
revenue after this has been taken is so little that
it leaves the Panchayat practically powerless
to do anything for the village. I think
there has come to sweep away the right
of the Government the Mohlana's revenue
and declare that it belongs to
the Panchayat. I must like to follow
the opinion of the Raja before I can
take any action in this respect.

As regards municipalities, there are only
two small villages in which it can
be introduced viz. Gopalpur & Gopalpur.
There is already a municipality in the former place and
it is functioning all right. There
is no municipality at Gopalpur and
the question of whether there is
that place may be considered when

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DEWAN'S OFFICE,
ON 7 NOV. 1924
Reg. No. 3336

There is a demand that a special force be
people of that place.

But in certain places like Munt a Malai
and Survaubhola, a certain portion of the
Municipal Council is there to be - Muzgiani - who
belong to these places under an agreement.
There is no provision for them in the
Municipal Regulation. They will have to be
apportioned.

W.H.

5/11

Submitted to Dewan for perusal & order.

mx
2/11/24

I have nothing in the

Dewan can report about this.
Can you get some more info.
in regard to the rights of the village?
The whole question requires
to be seen in a - tree

That amendment to the Regs
is necessary -
who have the rights of
Madon in Panchayat
village and the
Reg are the protected

Y

10/11

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No.

The file may be sent to the Revenue Branch
for kindly stating whether there is
anything in the Gram Commission
Report on the subject matter of this
file.

AS
12/11/24
Sd/-
Put up.

Yes. MK
12/11/24

A copy of the Gram Comr Report is

There is no reference to
the question of introduction of
Village Panchayats into Gram villages.
Refce is ^{however} limited to para 17 ^{regarding}
the introduction of several ^{allied} schemes
in Gram villages — like Village
Comrs, Village Pests & Tank
Panchayats.

There are some other
suggestions in para 20 of the Report
for improving the conditions (
Sanitation Education etc) of Gram
villages.

ky
13.11
Spd office with
M. S. S. S. S.

13.11.24.

Forwarded with Compliments to
Chief Secy.

M. S. S. S. S.
13/11/24

circulate
cc/ u

CS.
15/11/24

Extract from the Proceedings of the.....719th.....Meeting of the Council of His
Highness the Maharaja, held at Bangalore on the.....3rd December 1924.....19

105. Subject. - Clause xii of the Schedule.

The question of establishing Village Panchayats and
Municipalities in Inam Villages and Jaghirs.

OPINION OF THE COUNCIL.

In the General Panchayat scheme the inam villages may
be included; but provision should be made for exempting,
by notification, special areas like the Jaghirs.

(Signed) A.R. Banerji,

Dewan of Mysore.

"EXTRACT"

manus

*4838
15/12*

submitted for final note

*by
15/12*

Chief Secretary to Government.

WD 1471-GPB-2,000-1-8-21

18 months

S. N. Sub

Dewan

*11/12
15/12*

*The Member's final note
is placed in the file
15/12*

Subject:—

The question of establishing Village Panchayets and Municipalities in Inam Villages and Jaghirs.

The question of establishing Village Panchayets and Municipalities in Inam Villages came up for consideration at the Local Self Government Conference held last year and it was resolved to refer the same to the Committee proposed by the Conference to be appointed in connection with the general question of extending the Village Panchayet System to all rural areas. A Special Officer having been appointed for the purpose, he submitted a note upon the whole question and I recorded the following minute thereon:—

"This is a difficult question and has been discussed several times but no satisfactory solution has been found. The only solution attempted is the one contained in Section 48 of the Local Boards and Village Panchayets Regulation whereby all the items of revenue including the Mohatarfa to which the Inamdar is entitled are transferred to him on the formation of a Panchayet. But what remains of the revenue after the transfer is so little that it renders the Panchayet practically powerless to do anything good for the village. I think time has come to sweep away the right of the Inamdar to the Mohatarfa revenue and declare that it belongs to the Panchayet. I would like to follow the opinion of ~~the~~ Mr. Rangaswami Iyengar, the late Revenue Commissioner in this respect.

As regards Municipalities, there are only two Inam Villages in which it can be introduced viz., Sringeri and Yelandur. There is already a non-regulation Municipality in the former place and it is functioning allright. There is no Municipality at Yelandur and the question of establishing one in that place may be considered when there is a demand to that effect from the people of that place.

But in certain places like Thirthahalli and Sravanabelagola a certain portion of the Municipal revenue is given to the Muzrai Institutions of these places under an agreement. There is no provision for this in the Municipal Regulation. This will have to be regularised."

78 D The matter was considered in Council and it has been resolved as follows:-

"In the General Panchayet Scheme the Inam villages may be included; but provision should be made for exempting, by notification, special areas like the Jaghirs".

The resolution of the Council may be graciously approved.

Bangalore,
13th December 1924.

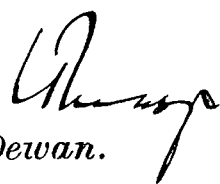
Mr. H. H. H. H.

MEMBER OF COUNCIL.

Submitted to His Highness.



*I submit herewith a Final Note by the...First.....
Member of Council on the subject of...the question....
of establishing Village Panchayets and Municipali-
ties in Inam Villages and Jaghirs.....
for His Highness' gracious approval.*


Dewan.

16 DEC 1944

C154 4

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.

H.M. No. 298
16.12.1924.

Question of establishing Village
Panchayets and Municipalities in Inam
Villages and Jaghirs.

287

Order.

~~KRW~~

18/12/24

urgent

LL

advis income of mce

Z

Income Tax

Serial
No..

Question of establishing
Village Panchayats and
Municipalities in Guam Villages
and jaghies.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of

*

His Highness' orders ~~before~~ after issue of orders. (Vide Rules 31, 33 and

34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Stacoppa
Chief Secretary to Govt.
(in charge)

Through the Secretary to Government,

.....Department.

FIRST MEMBER OF COUNCIL.

SECOND MEMBER OF COUNCIL.

THIRD MEMBER OF COUNCIL.

Ordered to be kept by
these men, ~~in~~ ~~the~~ ~~man~~.

The Member said he would
speak to the Dewan in
the matter -

Asst
27/12

Sund.

The member was pleased
to say yesterday that he ~~had~~
should be reminded about
this today

Asst
1571

519/Kisg

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The draft order relates only to the introduction of the Panchayat scheme to ham villages, the Jafpis being excluded. The order has been worded on the basis of the final note of the members. It will be seen that reference has been made to the abolition of the mohattas thereby the question of boundaries right to it has been overcome. No order is necessary here as regards constitution of mohats in Jafpi areas.

51037
23/12

1st Member
has dtd. Sec? }

MK
22/12/24

Imp. Appd

1/12

25/12

22-12

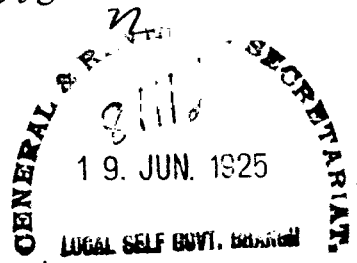
Discussed with the Secy and
he has advised that this may be res
olved without issue

1/12

10/1

84
16/12

Secs B



Warrant

L. R37
1374

The Secretary
to the Legislative Council & Representation assembly
in Mysore, Bangalore

Feb.

I beg to state that I am one of the goode's and
and duly empowered managers on behalf of the
14 shareholders of Gode Samana Halli, Bidraakha
and Kuppe Villages, Sookhadanur Halli, Hole Narikur
Taluk, Hassan District. These Villages have been granted
by His Highness the Late Sri Krishna Raja Wodeyar Bahadur
to my father Mr. Narayana Rao on the 1st January 1894
as Gode conferring the right of collecting (1) Land Revenue
(2) mohatarfa and (3) Layas in these three Villages.

(Vide Extract from the original Lances & enclose).

These main Villages were confirmed by Mr. P. Grant
Superintendent of Mysore Settlement on 3rd August 1894.

(Vide Extract from the Dist Rent Register enclosed)

According to the above two authorities, we were
collecting the above three items. From mohatarfa
and Layas we were getting not less than Rs 168-0-0
(mohatarfa Rs 100-0-0 and Layas Rs 68-0-0).

1. But when the Lays was abolished in the State
we, the goode's were not shown any concession
in payment of Gode or Dist Rent. Hence we have
been put to a great loss. I most humbly request
that this point may kindly be reconsidered and a
proportionate abatement in the Gode or Dist Rent
may kindly be ordered in lieu of the loss sustained
by us in connection with the abolition of the Lays.

2. Now again I find on pages 37 to 56 of Part III of
the Mysore Gazette (Kanada) of 2nd April 1925
in the draft of Village Panchayat Bill, in which it is
defined on page 40 under sub-head 6 of para 3.

"The word x x x to be deleted in the draft."

According to the English Publication on pages

Mysore 2557

12/3/25

H.M. 11

5332

5th 10 in part I of the Mysore Gazette of 2nd January 1925
stated in page 6 That Pancharaj will levy taxes on
houses, shops, vacant lands & hotels and as a detest
against this levy, a C Mohatarfa throughout
the State will be abolished

LB. 104-24-1
23/12/24

As per ins Village accounts we are now
getting Rs 100/- from these items. If the rural
Mohatarfa is also abolished we will be hit
to a further loss of Rs. 100/-

May 7

In all we will be put to a heavy loss of
Rs 168/- and we will be deprived of the two items
(Mohatarfa and Daga) conferred by His Highness
and confirmed by the Lame Superintendent as
per Government order

So I most humbly request on behalf of
all the Jodees that you will be kind enough
to cause the two points mentioned in this to be
placed before the Government or next Legislative
Council meeting and kindly bring the real
facts of our heavy annual loss and
set the equal amount abated in the Jodee
or Dist rent payable by us every year and I
solicit an endorsement on the final disposal.

50248

I beg to remain

Sd/-

your most obedient servant

C. V. Krishna Swami Rao
Jodee & manor

and
itany Desputee Chelud Taluk

10-6-25



No. 5368 7 15.6.25.

Forwarded with compliments to the Secretary to Government
Local and Legislative Departments, for favour of disposal.

16/6

R. H. Angier

Secretary,
Rep. Assembly and Legis. Council

15.6.25

Extract from the Quit Rent Lists of whole Villages and the
Hassan

Hobli Village	Title and no.	Date on which title deed has been issued	Name of Zamindar	Description of Zam	Condition of Grant	Description of Land	old Cult	Form assess- ment
1	2	3	4	5	6	7	8	9
X	X	X	X	a	a	a	X	X
Kupple Grove Gubbi Hobli was old Karanur Hobli.	23 1	1-12-1880	(1) Mysore Narayana Rao (2) Narasimha Aikantia (3) Subbappa Shirashood old Ballappa's Tomb. (4) Choudiah (5) Chamarappa of Narasimha (6) Mysore Ramaswamiah.	Personal	For Personal "benefit"	-	-	524-14-
X	X	X	X	a	a	a	X	X
Somava Hobli Jode.	25 33	1-12-1880	Pasehinavahine Choudiah's Anna Chettra and Choudeswara Devanur.	Personal was swaya's and sharmas was forfeited	Formerly Personal benefit was forfeited	-	-	637-13
X	X	X	X	X	X	X	X	X
Biosappa Jode.	28 36	1-12-1880	Pasehinavahine Srirangapatam Choudiah's Anna Chettra and Choudeswara Devanur.	Personal was swaya's and sharmas was forfeited	Formerly Personal benefit was forfeited	-	-	862-3
X	X	X	X	X	X	X	X	X

Zam Superintendent's office
Baryalor
of 3rd August 1897

Archived
Date 1-6 1925

of Quams therein confirmed in the whole Narraipus Taluk district

Quam confirmed as per Survey				Quam put to land			Enfranchised or not	Issues of Revenue granted to the Quams
Description of land	Survey area		Survey assess ment	Forms Govt	Quam put to land imposed	Total		
10	ac	cf	12	13	14	15	16	17
x	x		x	x	x	x	x	x
Unculturable	58	21	1-12					
Dry	577	22	321-5	152-6-6	40-14-2			Land Revenue
Wet	45	27	150			133	not	Mohatarfa
Garden	2	12	7					& pay
Total	684	2	479-8					
x	x	x	x	x	x	x	x	x
Unculturable	118	13	1-12					
Dry	709	19	214-10					Land Revenue
Wet	66	11	259	192-15-3	61-15-9	29	Including full assess ment on the resumed Quam	Mohatarfa
Garden	42	7	213					& pay
Total	936	27	688-6-1					
x	x	x	x	x	x	x	x	x
Unculturable	235	5	3-12					
Dry	1212	23	581-13		86-13-8	268	do-	Land Revenue
Wet	81	34	276	260-11-8				Mohatarfa
Garden	18	2	94					& pay
Total	1530	24	953-9-1					
x	x	x	x	x	x	x	x	x

(RD) J. P. Grant
Superintendent of
Quam Settlement

"True copy"

P.T.O.

C. H. Krishna dasam Das
Joint & manager
for 16 shareholders
Sanigudi village Chhatrapur Taluk.

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535/1916
17/6
D. Please Section
has should be added
in the Legal Section - 17/6.

17/6 This relation to
the proposed Village
Panchayat scheme
has perhaps to be
dealt with in the
L. S. & Branch
17/6. (L. S. & Branch) 17/6

1) The petitioner discusses
the principle of the Bill.
And maybe perhaps
here as to the aspect of
the case & the petitioner
must be the by branch
for consideration in con-
nection with the Bill.

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15/6

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5. The first prayer of the petitioner is that no compensation was given to Inamdars when sayer was abolished and that the matter may be reconsidered by Govt. This point is one that has to be dealt with in the Revenue Branch of Govt. is at all disposed to consider this question at this distance of time.

6. The next point urged by the petitioner is that in connection with the Village Panchayet Bill recently published and the order of Govt. in regard to further improvements in respect of Local Self Govt. dated 23rd December 1924 power has been taken to constitute panchayets in Inam Villages and that ~~into the intention of Govt.~~ ^{as} that mohatarfa ~~should~~ ^{has to} be abolished in Inam Villages Inamdars who realise revenue from mohatarfa ~~should~~ ^{may} be compensated.

7. In this connection, kind reference is invited to the notes in the Council File No. 164 of 24-25 on this subject. The then First Member of Council thought that Inamdars need not be compensated for loss of mohatarfa revenue. Though the question was considered in Council, no orders were passed in the matter constituting panchayets in all Inam villages and the matter has been ordered to lie over By clauses 3 & 4 of the Village Panchayet Bill, however, power is taken to constitute a panchayet in any Inam Village not being within the limits of the two Jaghirs and under clause 2 of the Bill on the regulation coming into force in any district ~~the~~ ^{part of the} existing mohatarfa taxes will cease to be levied ~~in~~ ^{such part or part of the}

8. In connection with the proposed alienation

2 8/11/11
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No.

of the mohatarfa revenue by the Swami of Sravana-
belagola in favour of the Municipal Council at the
place the question as to whether an Inamdar may con-
tinue to levy mohatarfa on the passing of the Village
Panchayet Bill came up for consideration and the
Local and Legislative Secretary has recorded the
following opinion (vide Mr 56-24) :-

" An enactment will ~~not~~ take away existing rights
unless the legislature expressly intends to do so.
On this principle it is difficult to see how the
right to collect mohatarfa granted under a samad to
the Swami will be taken away by the passing of the
Village Panchayet Bill. If it is so intended Govt.
should expressly make a provision to that effect in
the Regulation."

9) Submitted for orders with references as to

1) whether the Inamdars should be compensated
for loss of mohatarfa revenue in consequence
of the constitution of panchayets in Inam Vil-
lages,

are
and 2) whether any alterations ~~are~~ necessary in the
Village Panchayet Bill already published.

589

21.7.25

As directed by
the Asst. Secy
Prohm. Br. This
is separate from
Vol. 56-24 &
returned to D.S.G.
Branch for
obtaining
orders.

94/17/25
14/1

[12] This file had
been looked to
68/32x.24 dated
21.6.25

NOTE—Contn. Sheet

12/6/25 22/6/25
10/

L. L. (2/25)

14/ 2/25

15) These points may also
be considered
tomorrow, if there
Chief Secy with

13/ Just
looking
of file
is objectionable
to be done without
the orders of Secy
members of Council
2.6.25

22/ 28/6

80
28

Serial
No

16

No specific orders have been passed in this case which was also brought to the notice of the 2nd Member at the Select Committee meeting. The Select Committee have not made any amendment in the Bill so far as Village Panchayats in Gnam Villages are concerned. (not included in the paper's.)

Though taxation under the mohataria rules will be abolished, the properties etc liable thereto will ~~also be taxed~~ under the Panchayat Regulation and in view of the legal opinion ^{reference to} ~~under~~ ~~from~~ in para 8 above, the policy to be followed in the case of Gnam villages will have to be settled and a Govt amendment moved at the next meeting of the Legislative Council, if necessary with regard to the rights of inamdar in ~~the~~ the income from such taxation.

4/1/26 (17) The question was mooted in the Speech of the Member, but no member of the Legislative Council offered any suggestion. In the Select Committee also no decision was arrived at in the proposed ^{Bill} Gnam villages.

Serial
No.

have not been excluded. Either these villages have to be excluded from the operation of the Regulation, or some settlement has to be arrived at with the landlords & others whose interests are affected, at the time the village is going to be included in a Panchayat. A decision has to be arrived one way or the other. Sent for orders

L.H. Seery

Cue
27

(18) As the Bill has been passed & its provisions are made applicable to Inam villages (vide Sec 3 (10)), there is no necessity to anticipate at this stage any grounds of objections by any landlord.

When concrete cases arise, we may consider the cases on their merits & pass orders

22/11

S.S.
12/117963
10/11

(19) This is probably the best expedient. No Gaudachal made some remarks that the question is still open etc. Please Brain & put up an exact report, if it was taken down; note whether the position is really that Inamholders can collect Inamraja as usual in spite of this Regn as per of their Sannaad right

m. S.S.

100
17/3
81
17.3

Serial
No.

20)

The file may be forwarded to
the Secy, Legis. Council. for kindly
causing a copy of Mr. Garmad
char's speech referred to in the
Member's minute above being put in.

SS

17/3/26

21)

Secy L.C.
with (sup. 15)

L. H. D. S.

28

18/3

15/3

22)

Please put up & when the file

PP

19/3.

23)

For kindly putting up an extract, if any.

The Reporting Section, with compliments.

19/3/26

8R

19.3.26

24)

There is nothing to show, in the Pro-
ceedings of the Leg. Council (26.2.26) that
Mr. Garmadachar moved any amendment. He
gave notice of certain supplemental amend-
ment which the Decem. President read &
ruled out of order. An extract from the 2
Presidents' remarks relating to this amend-
ment is placed below

PP

20.3.26.

25)

If approved, the file will be returned to the P.S. & Branch

26) All right

20/3/26

20.3.26

d. J. G. Br)

PP

10/3

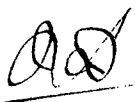
OFFICE OF THE SECRETARY
19. MAR. 1926
REPRESENTATIVE ASSEMBLY,
LEGISLATIVE COUNCIL &
ECONOMIC CONFERENCE

26th February 1926.

29

Dewan-President.

I have received from the non-official members, in accordance with the assurance that was given by me yesterday notice of certain additional amendments..... Those should have been tabled at an earlier stage and sufficient notice should have been given. Then again, certain amendments which introduce principles which are opposed to the general policy of the bill as approved by the Representative Assembly which, under the constitution, was necessary before this House could discuss any legislation in detail must also be ruled out of order; because this House is not competent at the present moment, to introduce new principles into the bill unless such new principles are referred to the Representative Assembly as it would mean legislation de novo. So, on these two grounds, the amendment that has been proposed by Mr. B. K. Garudachar in respect of clause 3 (1b) suggesting the deletion of the words 'and alienated village' has to be ruled out of order. -----



Serial
No

27) Submitted with reference to the 2nd Member's Minute of 17th March 1926 in para 19 above. The ^{does} Village Panchayet Regulation ~~xxx~~/not expressly contain any provision for abolition of Mohatarfa. Mohatarfa has to be abolished throughout the State by an executive order. When this is done, the question arises as to whether Inamdars can continue to levy Mohatarfa ~~or~~ or whether they are also bound to cease to levy the same in their villages. ~~Kx~~

28) In Circular No.183 dated 23rd January 1863, the Superintendents were desired ^{to} ~~for~~ notifying that "in cases in which Mohatarfa or sundry taxes has been ^{are} substituted in circar villages ~~or~~/by custom leviable by the Inamdars from their tenants, rates similar to the Mohatarfa in circar villages shall hereafter be collected and all disputes between Inamdars and their tenants will be decided on these principles". Again in para 3 of Government Order No.13,357-L-1351 dated 22nd February 1892, Government observed that if the Government right to levy mohatarfa "has not been specifically reserved in any case it seems only fair that the kayam guttadars should be left to collect their own mohatarfa in all villages without exception."

29) From the above it is seen that the right to levy Mohatarfa on the part of Inamdars is recognised by Government and whether such a levy can be ordered to be abolished by an executive order is also a point for consideration. Mohatarfa is collected by custom and not necessarily by virtue of any authority in the sannads.

30. The Revenue Secretariat may perhaps also be consulted in the matter.

Serial
No.

P (Pilot Ver)

33 The Inamdars Association in their memorandum (which is under consideration) praying for a reconsideration of the orders of Government (C.O. No. R. 28/48 L.R. 482-17-42 dated 2.7.1925) on the report of the Inam Commission have made the following suggestions re- the application of new schemes of Government to Inam Villages.

" All these relate to Government villages and their applicability to Inam Villages has not been considered at the time of framing them. In a few cases where some of these are applied to Inam Villages, the Inamdar is completely ignored and is even made to sustain loss thereby. Surely it may not be the intention of Government to deprive the Inamdar of his rights and privileges, prestige and income by introducing these schemes. Before applying them to Inam villages, the position of the Inamdar under each scheme has to be considered and settled ".

34 2. It is seen from the above that the Inamdars have to be compensated for loss, if any, by the introduction of the Village Panchayet for loss of Mohatarfa enjoyed by them either by custom or on the strength of sannads - if they do not voluntarily give up their rights, to such income.

35 3. There will also be a sacrifice of revenue to Inamdars, if on the analogy of Government Villages, Hulbanni in Inam Villages also has to be handed over to Village Panchayets. In this case also the Inamdars have to give their consent for this ~~loss~~ ^{loss} of their revenue

Serial
No

36)

The relationship of the demandars to the Village Panchayats in Gram villages should also be settled.

Ref: para 32.

L. L. Secy)

ky
27/3

um
27/3

27/3

37)

It does not seem purposeful to treat the Panchayats as being obstructed even in Gram villages by virtue of its abolition in part villages either as the result of legislation newly introduced upon executive order. The demandars will have to be compensated - the question as to the action to be taken to bring Gram villages under the Village Panchayat scheme has to be considered from various points of view. Sanitary and other conditions in these villages are very much neglected and there is a strong demand that people living in Gram villages should not lose the benefit of progressive measures adopted in other parts of the State. The whole matter may perhaps be thrashed out by a small Committee with the Panchayats.

Submitted to
Ch. Secy. as per
instructions
11/11
29/3

General and Revenue
Secretariat.

File No.

of 19

Serial
No.

As Chairman, the Secretary Local
Self Govt and one representative of
Landowners and one representative
of the ryots in Suan village and
one un-official President of the
St Board. The details may
perhaps be further discussed at
a meeting of Council

Dura

for
30/5/16 2/1/17

387

Noted under it necessary to
elect any Committee as
required

39)

The question of the fund
the Girl Scheme of endowments
to Suan Village -
a Committee shall be
be decided then details
rules are framed
in the affirmative
I think rather mixed
up with Mahabha
friction. The Landowners
cannot be defamed yet
by a ex. order - but
they may wish - by
agreement - that the
portion -

NOTE—Contn. sheet.

L. S. G. Am
with copy
WLB 7M

5.4 66. 2/1/14

Serial
No.4046/25
p
410)

The file may be subd to the 2nd
Member of council with reference
to his minute of 17-3-26 in para
19 above

25

2nd Member

8/4/26

Seen under

9/8/26

25

15/4

To be considered in the Special
Session at the time of framing rules
under the T. O. Regulation

25

10/4/26

NOTE ON ARRANGEMENTS TO BE MADE IN RE.
ESTABLISHMENTS OF VILLAGE PANCHAYETS.

In Government Notification No.2490/L.B.
26-26-39 dated 5th October 1926, it has been
directed that the Village Panchayet Regulation
shall come into force from the 1st of February
1927 in all the Districts of the State. In --
2. In order that there may be no inter^{ference}~~ference~~ in the
case of villages which now enjoy the Village
Panchayet system, it is necessary to take ~~adv~~
advantage of the proviso to Section (1) of the
Village Panchayet Regulation which empowers ~~the~~
holding of ~~Section~~ elections in accordance
with the rules before the Regulation comes into
force. Such elections will take effect from
the date on which the Regulation comes into
force in the Districts. In G.O.No.2500-14/L.B.
26-26-40 dated 5th October 1926 instructions
have been issued in respect of several matters
for bringing the Village Panchayet Regulation
into force in the District viz., the principles
to be observed in grouping villages, ^{fixing the} ~~the prin-~~
^{number} ~~principle~~ of members for ^{each Panchayet} ~~which village~~ and the
appointment of the nominated members of the --
Panchayets.

3. The draft election rules were published
and criticisms ~~were~~ invited. The opinions of
the Deputy Commissioners also have been received
and the file has been submitted to the First
Member of Council with the suggestion that the
draft election rules may be separated and issued
at once in order that elections may proceed --
at once.

4. In cases where 2 or more villages are --
grouped together for establishing a Panchayet

the Deputy Commissioner ~~has~~ to publish the notice of the proposal and consider objections that may be preferred ^{or} within one month of such publication. In such cases elections cannot ~~commence~~ ~~proceed~~ before 15th November 1926. In other cases where panchayets are to be established ^{for single villages} elections may take place from 1st November 1926.

If the election rules are approved to be issued separately, elections for panchayets to be established for groups of villages may be taken up after the elections for those of single villages are completed ^{and} this will save ^a the delay of a month. ^{5.} The Amildar single-handed will not be able to cope with the work of elections in all the villages. Besides the Amildar what other officers should be entrusted with the work of Panchayets will have to be settled.

6. To sum up, the arrangements required in this connection are

(i) issue of the panchayet election rules

(ii) notifying proposals for grouping of villages,

(iii) ~~d~~etermination of the number of members of the Panchayets

(iv) holding elections in villages which will have a panchayet for itself.

(v) holding elections in villages which are grouped with others for establishment of panchayets *after considering objections.*

(vi) determining what officers other than Amildars will have to be deputed for completing elections in time.

DS
12/10/26